

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers, <i>Co-Chair</i> Donald A. Migliori, <i>Co-Chair</i> Robert T. Haefele, <i>Liaison Counsel</i> MOTLEY RICE LLC	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

November 4, 2024

The Honorable George B. Daniels
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03-md-01570 (GBD) (SN)
Federal Insurance Co., et al. v. Al Qaida, et al., 03-cv-06978
Thomas E. Burnett, Sr., et al. v. Al Baraka Inv. & Dev. Corp., et al., 03-cv-09849
Estate of John P. O'Neill, Sr., et al. v. Al Baraka Inv. & Dev. Corp., et al., 04-cv-01923 ("*O'Neill*")
Continental Casualty Co., et al. v. Al Qaeda, et al., 04-cv-05970
Cantor Fitzgerald & Co., et al. v. Akida Bank Private Ltd., et al., 04-cv-07065
Euro Brokers Inc., et al. v. Al Baraka Inv. & Dev. Corp., et al., 04-cv-07279

Dear Judge Daniels:

The Plaintiffs' Executive Committees ("PECs") write to advise the Court of the forthcoming filing on the public docket of submissions previously filed under seal in the proceedings against Dubai Islamic Bank ("DIB"), in anticipation of DIB's request to reduce the Court's March 2023 Order (ECF No. 8911) to a final judgment under Rule 54(b).

By way of background, by Order dated March 9, 2023, the Court held that it lacked personal jurisdiction to adjudicate the pending claims asserted against DIB. ECF No. 8911. Thereafter, DIB and Plaintiffs' counsel agreed to an amendment to the *O'Neill* complaint to permit new plaintiffs—largely consisting of putative class members whose certification had been denied (ECF No. 9243)—to be added to the *O'Neill* case. This amendment was made with the understanding that such new plaintiffs (along with all other existing plaintiffs with claims against DIB) would be bound by the March 2023 Order. ECF No. 9583. The Court granted the request for amendment (ECF No. 9643), and on March 20, 2024, the *O'Neill* complaint was amended to add these plaintiffs. ECF No. 9655.

Following this amendment, DIB approached Plaintiffs about reducing the March 2023 Order to a final judgment pursuant to Federal Rule of Civil Procedure 54(b). In response, Plaintiffs

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noted that several of the earlier filings in the proceedings against DIB had been filed under seal, because they implicated FBI and/or MDL protected materials, and that the sealing issues should be addressed prior to entry of final judgments. Plaintiffs, DIB, and the FBI thereafter conferred and have reached agreement on the public docketing of the submissions previously filed under seal in the proceedings against DIB, with only minimal redactions of account numbers and reference information in two FBI documents. Plaintiffs intend to file those submissions on the public docket in the coming days.

Following the public docketing of those materials, DIB intends to request, with Plaintiffs' consent, entry of final judgment in its favor pursuant to Rule 54(b).

We thank the Court for its attention to this matter.

Respectfully submitted,

MOTLEY RICE LLC

By: /s/ Robert T. Haeefe

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*Co-Chair of the Plaintiffs' Executive
Committee for Commercial Claims on behalf
of Plaintiffs*

cc: The Honorable Sarah Netburn (via ECF)
All Counsel of Record (via ECF)